

City Council

Special Meeting Minutes

**March 31, 2020
Electronic Meeting
7:00 PM**

Call to Order – Mayor Stolzmann called the meeting to order at 7:07 p.m. The following members were present:

City Council: ***Mayor Ashley Stolzmann***
 Mayor Pro Tem Dennis Maloney
 Councilmember Kyle Brown
 Councilmember J. Caleb Dickinson
 Councilmember Deborah Fahey
 Councilmember Chris Leh
 Councilmember Jeff Lipton

Staff Present: ***Heather Balser, City Manager***
 Megan Davis, Deputy City Manager
 Kevin Watson, Finance Director
 Nathan Mosely, Parks, Recreation, & Open Space Director
 Kurt Kowar, Public Works Director
 Rob Zuccaro, Planning & Building Safety Director
 Emily Hogan, Assistant City Manager for Communications
 & Special Projects
 Meredyth Muth, City Clerk

Others Present: ***Kathleen Kelly, City Attorney***

Mayor Stolzmann noted because of the COVID-19 emergency the meeting is being held electronically. She gave information on how the meeting process will work and directions for those dialing in on how to participate when it is time for public comments.

LOUISVILLE COVID-19 UPDATE

Mayor Stolzmann stated the health and safety of the community is the Council's number one job. Most people are following the stay at home order to help slow the virus and save lives. She noted many people are already working on the economic recovery and the region's mayors meet regularly to discuss this. She thanked the City staff for continuing to work around the clock to provide services.

Assistant City Manager Hogan gave an update on what the City doing. She noted the packet included information on public health orders, City facilities and services, communications, business assistance, community support, and online resources. She stated that the County order has been suspended as the governor's order is now in place. She noted government services are considered essential and are continuing. She stated contact information for questions about the order will be available soon.

Councilmember Lipton asked how the federal stimulus money is going to be distributed for cities. Mayor Stolzmann noted there is a 500,000 population requirement for direct assistance; cities smaller than that will get funding passed through the State.

Public Comment – None.

**ORDINANCE NO. 1792, SERIES 2020 – AN EMERGENCY ORDINANCE
TEMPORARILY SUSPENDING CERTAIN PROVISIONS OF THE LOUISVILLE
MUNICIPAL CODE REGARDING PENALTIES FOR NON-PAYMENT OF WATER
CHARGES – 1ST AND FINAL READING – PUBLIC HEARING – Adoption as
Emergency Ordinance**

Mayor Stolzmann introduced the item by title and opened the public hearing. She asked for any disclosures, there were none.

City Attorney Kelly stated the governor issued an Executive Order on March 20 that among other things limited public utility disconnections for residents affected by COVID-19. In the Order the governor directed the Public Utility Commission (PUC) to work with utilities to limit disconnections at this time. The City's water utility is not required to follow this order as it is not regulated by the PUC, but staff has drafted this ordinance for Council consideration in the event the Council would like to put in place similar types of relief that the Governor outlined in his Order.

Adoption of the ordinance would suspend the code provisions for disconnection for nonpayment or partial payment of water charges during the time the City is in a locally declared emergency, late fees would be suspended, and partial payments would be accepted. All charges for water use are still due and will need to be paid in the future. The revenue lost to the City would be the late charges, not the charges for water.

Public Comments – None.

Mayor Pro Tem Maloney asked that information be made clear on the City's website as to how persons can apply for assistance for these charges.

Councilmember Leh stated the Governor's order is clear it is meant to provide relief to residents and small businesses. He wondered why this ordinance does not limit help to only residents and small businesses.

City Attorney Kelly stated it would be difficult to define and separate out small businesses from other commercial customers. Director Kowar noted the utility billing process separates residential and commercial, but does not designate commercial users by size.

Councilmember Leh stated he is concerned this incentivizes businesses to not pay a bill even if they can afford it just to watch their cash flow. He wants to make sure this is being used only by those who need it. He would like a way to limit this to smaller businesses who need it. He asked if there was a way to classify businesses this way.

Director Kowar stated it would be difficult. He noted some small businesses use a great deal of water and some large ones use very little so making distinctions would be tough.

Public Comments – None.

Mayor Pro Tem Maloney moved to approve Ordinance No. 1792; Councilmember Lipton seconded the motion.

Councilmember Dickinson asked if this could be extended beyond the declared emergency if Council wanted it to. City Attorney Kelly stated the end of the emergency will require action from the City Council. At that time the Council could change the end date of this if it wanted to.

Mayor Stolzmann stated she supports the ordinance as written and hopes none of the local companies would take advantage of it. The ordinance end dates can be modified at a later date if needed.

Councilmember Brown agreed the ordinance can be amended if needed and he supports it as written. Councilmember Fahey agreed.

Councilmember Leh stated the Council can limit this later if there is abuse. He noted large businesses know how to ask for help, it the small businesses that don't sometimes. We need to watch for that.

Public Comments

Sherry Sommer, 910 South Palisade Court, stated she supports the ordinance.

Roll Call Vote: passed by unanimous roll call vote.

DISCUSSION/DIRECTION/ACTION – 2019 YEAR-IN-REVIEW & 2020-2024 FINANCIAL PLAN SCENARIOS

Director Watson stated the reason for this review is to update 2019 projections with actual numbers. He reviewed the General Fund showing a positive revenue variance of approximately \$2M due to turnback. He noted the General Fund targeted reserve is 20%

and the City is now at 63%. He noted some of the variance is from projects not completed in 2019 that will need to be rolled forward to 2020.

Director Watson reviewed the numbers of the Open Space & Parks Fund and the Recreation Fund both showing actual balances similar to the projected balances. The Capital Projects Fund (CIP) shows a \$5M positive variance mostly due to turnback from projects that were not completed most of which will need to be carried forward to 2020.

Director Watson reviewed various financial downturn scenarios. He noted these are just for a sensitivity analysis as we have no solid idea what the downtown will look like right now. Scenarios included various ways in which small or large declines in revenue will affect the budget. If the economy recovers from a downturn relatively quickly the budget can sustain some declines, however, if there is a slow, elongated recovery (four-five years) the impacts are much greater and cuts to expenditures would be necessary.

Councilmember Lipton noted the CIP gets transfers from the General Fund so the reserve there is a bit overstated as it will need to help fund CIP projects meaning the reserve is not all discretionary. He added the General Fund needs to be used for Open Space purchases as well if that is needed.

Director Watson stated the main point of the presentation is that the City ended 2019 in a very good financial position in all funds which makes the City relatively able to withstand a 2020 downturn well as long as the recovery time is short. If a recovery is drawn-out then reductions will be needed in Capital Projects and operational costs. Some of the possible options staff has considered include a hiring freeze (specific or broad), suspension of capital projects, reductions in service levels, and wait and see taking time to define core services and essential capital projects. There are many other options as well.

Director Watson stated for the upcoming budget process staff will consolidate a list of all carry forward and scheduled CIP projects to look at a reprioritization. Staff also recommends a one-year budget rather than the scheduled two-year budget for this year.

Public Comments

John Leary, 1117 LaFarge Avenue, asked how long matching funds for projects will remain available if we don't move forward with projects now. Director Watson stated matching funds will be dependent on the individual projects and the other partners involved.

Mayor Pro Tem Maloney stated we should be adding another scenario that includes two waves to the downturn and a two-year recovery.

Councilmember Lipton noted the City should remain conservative; we can't drain all the reserves now as there will be other emergencies. No one knows what the recovery will look like and how long it will take.

Mayor Pro Tem Maloney stated he doesn't support only doing a one-year budget this year. Even with uncertainty, we should be able to continue with the two-year budget.

Mayor Stolzmann stated she would not want a hiring freeze now as some areas such as police and water treatment will continue to be needed in the emergency and for other areas we don't have information to know what we need or won't need right now. Members agreed.

Mayor Stolzmann suggested the same approach regarding capital projects; there are areas where maintenance will continue to be needed, but we should suspend new projects or evaluate if it is needed.

Councilmember Lipton agreed stating quality of life projects can be deferred or scaled back but maintenance should continue. He supported fully funding pavement maintenance.

Members agreed capital projects will need to be reviewed strategically to determine what makes financial sense as we get more information on the downtown. Many noted health and safety as the top priority.

Mayor Stolzmann asked staff to bring back a list of projects for Council review later in the budget process. She asked to specifically prioritize health and safety projects, those with shared funding, those for maintenance of existing facilities, and those that may have escalating costs if we wait.

City Manager Balser stated this is consistent with what staff has been thinking and staff hopes to bring this forward soon for consideration.

DISCUSSION/DIRECTION/ACTION MEDIAN LANDSCAPE RENOVATION PROJECT

Director Mosley stated staff is looking for direction on whether or not to move forward with the median renovation project at this time. This project began last year with design and included a focus on irrigation infrastructure and how to maintain as many healthy trees as possible. The project was reduced last year to help with budget costs and at this time the new design is complete but there has been some concern with the number of trees targeted for removal.

Director Mosley noted four options for consideration including moving forward as planned; moving forward with an amended design; moving forward with only irrigation and flower bed options, or suspending the project until further notice.

Public Comments – None.

Mayor Pro Tem Maloney stated this is a quality of life project. We all want to have it done, but it is not a priority if we are in an economic downturn. He supports suspending the project until further notice. Councilmember Lipton agreed it should be deferred to next year.

Councilmember Brown suggested saving this money for other uses now. Other members agreed.

Mayor Stolzmann stated that the project is important for both fixing irrigation loses and helping environmentally, but there is consensus to defer it at this time. She added that when it comes back she would like to see the number of trees removed to be reconsidered and also not to concrete over some medians.

Members agreed to suspend the project for this year and reconsider it at a later date.

Roll Call Vote: Unanimous vote to defer the project until a later date.

**RESOLUTION NO. 28, SERIES 2020 – A RESOLUTION POSTPONING
WASTEWATER AND STORMWATER RATE INCREASES**

Mayor Stolzmann introduced the item and noted Council approved these increases a few weeks ago but she supports reconsidering that decision. She noted at this time of the economic uncertainty giving people a rate increase, even a small one, sends the wrong message.

Director Kowar stated staff agrees with reconsidering that decision. He stated the plan has been to smooth rate increases over time and that is why this year's increases were incremental. However given the current situation and the fact the Utility Fund is in good shape right now staff recommends deferring this increase. He stated if this increase is deferred there will be slightly higher increases in the future to cover the cost of debt and capital projects.

Public Comments – None.

Councilmember Dickinson stated he understands not wanting to stress residents, but he feels the City should go ahead with the increase as the fund has to pay for itself. The increase is nominal and it is needed to keep the Utility Fund whole. He wants people to understand this is the cost of water and given the earlier agreement to not charge late fees we should continue with this.

Councilmember Lipton agreed stating this is only a feel good item and is not helping those who need it now. He would prefer to keep the smoothing increases to meet our costs. If the City wants to help people that need help we should increase the funding the City gives to Sister Carmen to help with utility bills.

Councilmember Brown stated he supports the measure. It is not just about image but about doing right by our citizens. Future increases may be higher, but this is the right thing to do at this point.

Mayor Pro Tem Maloney stated this sends an important message and recognizes times are hard right now for many people. Councilmember Leh and Councilmember Fahey agreed.

Councilmember Dickinson reiterated his concern that the Utility Fund needs to stay funded and this is all about image and not helping people substantially.

Mayor Stolzmann stated the smoothing has been put in place so we don't have large increases all at once when the money is needed. But in a period such as this, she feels it only causes people anxiety to see these increases and we can avoid that by moving the smoothing to later years.

Councilmember Lipton stated if we do this we should push out projects to later years. He suggested maintaining the increase but giving more funding to Sister Carmen to help people with utility assistance.

Councilmember Brown moved to approve Resolution No. 28; Mayor Stolzmann seconded the motion.

Councilmember Leh noted the increase affects business as well and they can't apply for help from Sister Carmen. He stated the Council should not dismiss the impact of small increases right now.

Members discussed increasing funding for Sister Carmen fund in the future.

Roll Call Vote: Motion passed 6-1 (Councilmember Lipton voting no.)

AWARD CONTRACTS FOR 2020 CHIP SEAL, STREET RESURFACING, AND STREET RECONSTRUCTION PROJECTS

Director Kowar stated staff received bids last week for these projects and is now bringing Council some options on how to proceed with projects and areas where cuts could be made. He stated there is about \$7.5M budgeted for the projects and that is about what it will cost based on the bids. He reviewed the various package options including deferring some streets to later years to defer expenses.

Public Comments – None.

Mayor Stolzmann noted previous Councils have prioritized street maintenance and she feels that should continue.

Members discussed the various packages and options as well as the pros and cons on postponing any of the work. After discussion members decided to award the full contract with packages 1-5 noting that if staff can get a higher level treatment for the same price on the options they should so do.

DISCUSSION/DIRECTION – TRANSPORTATION MASTER PLAN UPDATE - 2019-2020 FUNDING AND PROPOSED CIP PROJECTS

Deputy City Manager Davis stated the Transportation Master Plan (TMP) was approved last year with a comprehensive list of projects included with it. She noted this was originally set to be discussed on March 3 and was postponed and therefore some of the project list has changed since then. Tonight staff is specifically looking for direction on projects to implement in 2020 and the six-year capital improvement plan.

Deputy City Manager Davis stated the 2020 budget has about \$4M for TMP projects. Some of the funding is committed for projects where matching funds from DRCOG are being used. This includes at-grade crossings on South Boulder Road, the design plan for Highway 42, and 104th Street Trail connection.

Staff has now revisited the list of projects to determine what might be able to be pushed to a later time. Specifically staff wants direction on:

- 1) Pine Street improvements – decided to go ahead in the paving conversation earlier
- 2) Adding sidewalks to Highway 42 – staff suggests including in a later project
- 3) Powerline and Coal Creek Trail connection – design is complete could be done now or later
- 4) Concrete Bump Outs - decided to go ahead in the paving conversation earlier
- 5) Design of Highway 42 Projects – complete in case federal funding is available for shovel ready projects

Deputy City Manager Davis noted including these projects will be an approximately \$2.8M impact to the budget for 2020.

Public Comments – None.

Councilmember Lipton stated this seems like it is adding items to the 2020 budget not making reductions. He would like to see most of it deferred.

Mayor Stolzmann suggested removing item 3 and is interested in doing item 5 so that we have the project ready if federal funding becomes available.

Councilmember Lipton stated he feels we have spent too much on design already for Highway 42 and does not support item 5. Director Kowar stated we have about a 15% design of the technical work for Highway 42.

Mayor Pro Tem Maloney stated he wants to see hardscape connections from the US 36 bike trail into town included in the plan. He stated the projects where we have matching funds should be continued if we cannot defer them without losing the funding. He supports removing item 3 and keeping item 5.

Councilmember Fahey agreed and added she would like item 2 included. Councilmembers Leh and Dickinson agreed.

Councilmember Lipton suggested postponing item 5 until we have a better understanding of what it costs and what federal funding may be available. Director Kowar stated that even if staff moves forward with the project the contract will come back to Council for approval before work commences so there is some time built in there.

Members agreed to remove item 3 and continue with the rest of that list. Members also discussed the Fun Routes to School Design and Implementation and decided to defer it to a later year.

Lipton reiterated his concerns there is not enough austerity in this plan. Councilmember Fahey agreed.

Deputy City Manager Davis asked if Council had any other direction on projects for planning for 2021.

Mayor Stolzmann noted Mayor Pro Tem Maloney's request for bike trail connections from the US 36 bikeway. Councilmember Fahey would like consideration of beacons on the pedestrian crossings on Via Appia.

RESOLUTION NO. 29, SERIES 2020 – A RESOLUTION AUTHORIZING ELECTRONIC PARTICIPATION AT MEETINGS OF BOARDS, COMMISSIONS, AND COMMITTEES ESTABLISHED BY THE CITY COUNCIL

Mayor Stolzmann introduced the item. City Attorney Kelly noted this resolution would authorize and put in place an electronic meeting participation policy for boards, commissions, and committees that would mirror the policy Council approved in March for its meetings. It would not allow any quasi-judicial hearings unless and until the Council approves a resolution establishing guidelines. She noted the requisite 72-hour notice of meetings does not change.

Public Comments – None.

Mayor Pro Tem Maloney moved to approve Resolution No. 29, Series 2020; Councilmember Dickinson seconded the motion.

Councilmember Dickinson stated he supports the resolution to allow boards and commissions to continue to get work done and would like to see a way to allow quasi-judicial items as well.

Councilmember Leh proposed an amendment that allows the City Manager to require a board to meet electronically in emergency circumstances so no board can decide unilaterally to hold an in person meeting in a health crisis. Both the motioner and seconder accepted the amendment.

Roll Call Vote: passed by unanimous roll call vote.

EXECUTIVE SESSION

REAL PROPERTY ACQUISITIONS AND DISPOSITIONS (Louisville Charter, Section 5-2(c) – Authorized Topics – Consideration of real property acquisitions and dispositions, only as to appraisals and other value estimates and strategy, and C.R.S. 24-6-402(4)(a))

The Mayor introduced the item and City Attorney Kelly stated the City Manager and City Attorney are requesting the City Council convene an executive session for the purpose of consideration of potential real property acquisitions and dispositions but only as to appraisals and other value estimates and strategy pursuant to Section 5-2(c) of the City's Home Rule Charter and C.R.S. § 24-6-402(4)(a).

The City Clerk read Section 2.80.130 of the Louisville Municipal Code which outlines the topics permitted for discussion in an executive session.

City Attorney Kelly stated the authority to conduct this executive session is in the Home Rule Charter Section 5-2(c) for Council to discuss potential real property acquisitions and dispositions, with regard to properties in Louisville, but only as to appraisals and other value estimates and strategy, and in C.R.S. 24-6-402(4)(a). The request involves potential acquisition of real property.

MOTION: Mayor Stolzmann moved the City Council adjourn to executive session for the purpose of consideration of potential real property acquisitions and dispositions, with regard to properties in Louisville, that the executive session include the City Council, City Manager, City Attorney, Deputy City Manager, Parks, Recreation & Open Space Director, and Planning Director. Seconded by Mayor Pro Tem Maloney

Roll call vote: Motion carried by unanimous roll call vote.

The City Council adjourned to executive session at 11:00 pm.

REGULAR BUSINESS ITEMS SUSPENDED

The City Council meeting reconvened at 11:27 pm.

REGULAR BUSINESS ITEMS CONTINUED

REPORT – DISCUSSION/DIRECTION/ACTION – REAL PROPERTY ACQUISITIONS

City Attorney Kelly reported the Council discussed items regarding the possible acquisition of property in the executive session and no further action is needed at this time.

ADVANCED AGENDA & IDENTIFICATION OF FUTURE AGENDA ITEMS

Members noted that economic recovery items will be added to future agendas.

ADJOURN

Members adjourned at 11:30 pm.

Ashley Stolzmann, Mayor

Meredyth Muth, City Clerk